

April 6, 2020

The Honorable Carol Fukunaga
City and County of Honolulu
Honolulu Hale, Room 203
Honolulu, HI. 96813

Via Email Only

Re: April 15, 2020 City Council Public Hearing

Dear Councilmember Fukunaga:

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization dedicated to upholding the core values of American democracy. Transparency in government is key to a healthy and strong democracy. Common Cause Hawaii provides the below comments regarding the April 15, 2020 City Council Public Hearing.

The entire State is under a stay-at-home, work-from-home order, according to Governor Ige's Third Supplemental Emergency Proclamation dated March 23, 2020, with certain exceptions, due to the COVID-19 crisis. While the majority of the April 15, 2020 City Council Public Hearing is related to the budget, it is unclear why non-urgent bills related to fees for use of municipal golf courses and certain permits and services administered by DPP and the resolution on real property taxes must be heard during a public health crisis. It may be more prudent to table these matters until the stay-at-home, work-from-home order is lifted.

Additionally, as for the process by which the April 15, 2020 City Council Public Hearing will be held, Common Cause Hawaii has some concerns.

By Gov. Ige's Supplemental Emergency Proclamation dated March 16, 2020, the open meetings law was suspended. "Boards[, however,] shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing submission of written testimony on agenda items, live streaming meetings, and posting minutes of meetings online." See Governor Ige's March 16, 2020 Supplemental Emergency Proclamation https://governor.hawaii.gov/wp-content/uploads/2020/03/2003109-ATG_COVID-19-Supplementary-Proclamation-signed.pdf at pg. 3.

To the City Council's credit, the April 15, 2020 Public Hearing notice provides that only electronically submitted written testimony will be accepted via email or fax. Unfortunately, no oral testimony will be accepted at the April 15, 2020 City Council Public Hearing. The public will be able to observe the proceedings of the April 15, 2020 City Council (1) on monitors situated outside of the meeting room, (2) by internet live streaming through www.honolulucitycouncil.com and <http://olelo.granicus.com/MediaPlayer.php?publishid=92>, and (3) by televised live broadcast on Olelo TV Channel 54.

While the public may be able to submit written testimony to the City Council and view the live proceedings, this does not allow for true public participation in our democracy. Certain matters may arise during discussions between City Council members at the April 15, 2020 City Council Public Hearing, which were not contemplated by a pre-written public testimony. This is why public oral participation at meetings is so vitally important. Public

participation – interacting and having an exchange with our elected and government officials – is the cornerstone of our democracy.

The City Council anticipates having councilmembers participating in the meeting by interactive conference technology from remote locations. The public should be allowed to participate remotely also. There are many proven technologies – Zoom, GoToMeeting, BlueJeans, etc. – which will permit the same remote access by the public.

Allowing the public to participate remotely at the April 15, 2020 City Council Public Hearing is vitally important given the budget discussions, which affect all residents of Oahu, and even more so now with the pandemic stressing our finances.

Common Cause Hawaii recommends the following guidelines to allow for true public participation and ensure governmental transparency:

- Postpone routine, non-priority government action until the state of emergency has ended.
- Provide widespread public notice of scheduled government proceedings.
- Provide public access to observe government proceedings via live and recorded video available on government websites.
- Provide public ability to participate in government proceedings via videoconference where possible and, at a minimum, via telephone and submission of written testimony.
- Require all members of the public participating in a meeting or proceeding to be clearly audible and visible at all times, including to the public.
- At the start of the meeting, require the chair to announce the names of any members of the public body participating remotely.
- In the event audio or video coverage of a proceeding or meeting is interrupted, require the presiding official to suspend discussion until audio/video is restored.
- Require all votes to be roll call votes.
- At the beginning of any executive session, require all members of the public body to state that no other person is present or can hear them.
- Record all open sessions of meetings and make such recordings available to the public via a government website.

Common Cause Hawaii sincerely appreciates your invitation to comment on the April 15, 2020 City Council Public Hearing. Please do not hesitate to contact me, if you have any questions or concerns.

Very respectfully yours,

Sandy Ma
Executive Director
Common Cause Hawaii

